

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT DOUGLAS HAZEN and
EARL THOMAS COMBS,

Defendants.

No. CR 05-00197 CW

AMENDED
ORDER FOR PRETRIAL
PREPARATION FOR
CRIMINAL
JURY TRIAL

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial will begin on January 9, 2006, at 8:30 A.M.,
in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California.

b. The length of trial will be not more than 8 days.

2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal
Procedure, Crim. L.R. 16-1, and the United States will comply with
Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs 427
U.S. 97 (1976).

3. MOTIONS

Pretrial motions may be noticed for any available Monday
before December 19, 2005.

1 4. PRETRIAL CONFERENCE

2 a. A pretrial conference will be held on Monday, **December**
3 **19, 2005 at 2:30 P.M.**, in Courtroom 2. It shall be attended by the
4 attorneys who will try the case.

5 b. **Not less than one week prior to the pretrial conference,**
6 counsel shall comply with Crim. L.R. 17-1(b).

7 c. Jury instructions §1.1 through §1.12, §3.1 through §3.10
8 and §7.1 through §7.6 from the Manual of Model Jury Instructions for
9 the Ninth Circuit (2000) will be given absent objection. Counsel
10 shall jointly submit one set of additional proposed jury instructions,
11 ordered in a logical sequence, together with a table of contents,
12 using the Ninth Circuit Manual where possible, or Devitt and Blackmar
13 or CALJIC, **not less than one week prior to the pretrial conference.**
14 Any instructions on which counsel cannot agree shall be marked as
15 "disputed," and shall be included within the jointly submitted
16 instructions and accompanying table of contents, in the place where
17 the party proposing the instruction believes it should be given.
18 Argument and authority for and against each disputed instruction shall
19 be included as part of the joint submission, on separate sheets
20 directly following the disputed instruction. Counsel for the United
21 States shall submit a verdict form. The attached voir dire will be
22 given to the venire members. Counsel should submit an agreed upon set
23 of additional requested voir dire questions to be posed by the Court.
24 Any voir dire questions on which counsel cannot agree shall be
25 submitted separately. Counsel will be allowed brief follow-up voir
26 dire after the Court's questioning. Any motions in limine should be
27 noticed for hearing at the pretrial conference in accordance with
28 Criminal Local Rule 47-2.

5. JURY SELECTION

The Jury Commissioner will summon 35 to 40 prospective jurors. The Courtroom Deputy will select their names at random and seat them in the courtroom in the order in which their names are called.

Voir dire will be asked of sufficient venire persons so that twelve (plus a sufficient number for alternates) will remain after all peremptory challenges and an anticipated number of hardship dismissals and cause challenges have been made.

The Court will then take cause challenges, and discuss hardship claims from the individual jurors, outside the presence of the venire. The Court will inform the attorneys which hardship claims and cause challenges will be granted, but will not announce those dismissals until the process is completed. Peremptory challenges will be made in writing and passed between counsel in accordance with Crim. L.R. 24-2 and 24-3. The Court will strike the persons with meritorious hardships, those excused for cause, and those challenged peremptorily, and call the first twelve people (plus alternates) in numerical sequence remaining. Those people will be the jury.

Dated: 9/21/05

Claudia Wilken
CLAUDIA WILKEN
United States District Judge

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. The City where you live: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)

single married separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

12. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

Major areas of study: _____

13. Have you ever served on a jury? _____ No. of
times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did any of the juries reach a verdict? _____

(Rev. 3/03)

Plaintiff's Exhibit Markers**π PLAINTIFF π****United States District Court
Northern District of California**

Case No. _____

Case Title _____

Exhibit No. _____

Date Entered _____

Richard W. Wieking, Clerk

By: _____, Deputy Clerk

Defendant's Exhibit Markers**▲ DEFENDANT ▲****United States District Court
Northern District of California**

Case No. _____

Case Title _____

Exhibit No. _____

Date Entered _____

Richard W. Wieking, Clerk

By: _____, Deputy Clerk

π PLAINTIFF π**United States District Court
Northern District of California**

Case No. _____

Case Title _____

Exhibit No. _____

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Richard W. Wieking, Clerk

By: _____, Deputy Clerk

▲ DEFENDANT ▲**United States District Court
Northern District of California**

Case No. _____

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Northern District of California**

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Richard W. Wieking, Clerk

By: _____, Deputy Clerk

Counsel shall meet and confer pursuant to Civ. L.R. 30-3(b) and assign blocks of numbers to the exhibits (i.e. Plaintiff 1 - 199; Defendant 200 - 400). Exhibit Markers should be placed on the lower right-hand corner of the exhibits. Exhibits should be contained within a binder with each exhibit separated by a tabbed page denoting the exhibit number.

Date _____

EXHIBIT LIST

Defendant

EXHIBIT NUMBER	DESCRIPTION	SPONSORING WITNESS	DATE	
			Marked for Identification	Admitted in Evidence
			-	
			.	